



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## HELPING TO GOVERN INDIA.

BY CHARLES JOHNSTON,  
(BENGAL CIVIL SERVICE, RETIRED.)

The other day I read an article on India, in one of our popular magazines, in which the writer gave the British Indian Government much severe advice, asking why they did not abolish caste, why they did not introduce democracy, and so forth, and summing up the whole venture as a huge failure. The writer headed his article with "Fighting for the Common Cause," or some such phrase; and as I read, a former occasion on which I had heard the same words came back suddenly into my mind.

It was at the junction of the Nalhati State railway, amid the illimitable rice fields of Lower Bengal, where I was waiting, far on in the night, for a train that was to take me to my first post. The engine driver had some doubt as to his skill, so he spent an hour or two practicing, running his little train back and forward a hundred yards or so, and whistling shrilly till the jackals barked back at him. I was in the only first-class compartment, some six feet square, and as I dozed uneasily, I was conscious of high-pitched voices in the next compartment, talking the Bengali tongue, which I had studied industriously at home for the last two years. Finally, with magnificent rhetoric, one of the speakers cried "Amra fighting-for-the-common-cause hoilam!" And all the others applauded vehemently. They were on their way home from the Indian National Congress.

We started after midnight, and I fell asleep. The glistening sun of the early morning showed the vast rice-fields all about us, scrubby with brown stubble, as the winter rice had just been cut. Here and there and everywhere were villages, brown thatched huts clustering under groups of cocoa-nut palms and mangoes; and, though it was still chilly morning, hundreds and thousands of natives were at work everywhere in the fields, toiling, as they toil perpetually, on the verge of

starvation. As I had come by way of Bombay, crossed the Deckan to Madras, and come up the Bay of Bengal, I had gained some idea of the vastness of India—nearly two million square miles, and its still vaster population, of three hundred millions. Here, in Bengal, they were packed terribly close, for you can travel for hundreds of miles through districts with more than a thousand to the square mile, and almost wholly an agricultural population. There is the true cause of the perpetual presence of hunger, and child-marriages are universal throughout the greater part of India.

I was ferried across the Bhagirathi, and found a native driver with a ramshackle carriage, and two ponies of skin and bone tied to it with ropes. The sun had already gained strength, and one felt the sting in the sunlight so peculiar to India. The only word of my painfully learned Bengali he readily understood was the English word "Collector," and after three hours of hot and dusty driving along red roads fringed with palm-fronds, he brought me safe to the Collector's bungalow on one side of the great grass square of the Civil Station.

The Collector gave me charge of a police-court, in which I presently found myself face to face with a plaintiff, a prisoner, numbers of dusky witnesses, some sleek policemen, and a row of glib, grinning native lawyers, come to look over the new "Sahib." Seated in the chair of state amid this waiting throng, keenly conscious of the unfamiliar tongue, I felt greatly embarrassed, especially when it became evident that I must deliver some kind of judgment. I forget what I decided. I think I fined the plaintiff and dismissed the case, but am not certain.

While unusual this would not have been illegal; for the Indian Procedure Code contains a provision, whereby the plaintiff may be punished for "frivolous and vexatious prosecution." This is far from superfluous; for a Bengali who has made a moderate fortune, does not think of buying yachts and automobiles, but looks about for a nice estate with a score of pending lawsuits on it, and settles down to enjoy these to the end of his days.

In that dingy court I dispensed indifferent justice for a year, six months under a swinging punka that made eddies in the hot air. During that time I gradually realized what it is the British Government does for India, in one important field. The government confers on India the assured possession of civil rights,—security of person and security of property. This is something India never enjoyed under the many forms of native and foreign Asiatic rule which preceded the British Government; and it is an inestimable boon, far more vital than the franchise or the forms of democracy. The extent to which the secure possession of civil rights benefits India came home to me gradually, as I sat there day after day in the police-court, receiving crowds of dusky litigants, trying petty assaults and small theft cases, and seeking, as far as the inventive faculty of the witnesses made it possible, to render equal justice. The courts were open to all. Justice was rapid and cheap, and, as everywhere throughout the Indian Empire, wholly impartial and impersonal.

A little later, I made the acquaintance of another of the great blessings conferred on India by its present government: security of contract. The general idea of a contract in India was something vague and entangling. The party of the first part immediately tried to put in phrases and figures favorable to himself. The party of the second part did the same. The result was, that the two copies never agreed, and the little alterations were so skillfully made, that it was not easy to detect them. The art of forgery was carried to a high degree of perfection, and one could procure documents looking centuries old, within a few days. One expedient was to put the document on the floor of a cage in which mice were kept, with the result that in a week or two the parchment looked a hundred years old. This elasticity has all been done away with, and contracts have acquired a rigidity quite foreign to the former ideas of India. The contract is brought to the court, a copy is made in a huge ledger, which is duly signed by a court officer, and the two parties; and, in all disputes, this official copy, which is kept in the court safe, is taken as the standard. In this way the principle is introduced that “a

bargain is a bargain," and a degree of finality hitherto never known in India is assured to the written agreement.

Security of contract is thus added to security of the person and property; and in both cases any native can learn his exact legal position without the slightest difficulty. For the Penal Code, which defines the rights and duties of the individual, and the Contracts Act are translated into every one of the scores of languages recognized by the government of India, and anyone can buy a copy for a few annas in the native bazars. The Penal Code is uniform all over British India, and it makes no distinction of race, creed, caste, color or sex, dealing even-handed justice to all alike. Each person, as a person, has his or her defined civil rights; and the whole authority of the government is available, and rapidly available, to secure them. "Justice is denied or delayed to no one."

When we come to the laws of property, this uniformity disappears. Property in India is inextricably bound up with religious usages, because the great religious reformers of past ages almost always drew up a code of laws for the people, such as Moses is believed to have drawn up for the Israelites. In the East, these religious law-codes remain for ages, and become inextricably blended with beliefs and rites. So it is in India. The Hindus, the largest section of the population, still regulate their family affairs by the Laws of Manu, while the Muhammadans, who come next to them in number, found their family life on the precepts of the Koran. And so with the Buddhists, the Jains, and a dozen other religious communities.

In every case, the British Indian government has followed the principle of conservation. The religious code belonging to each community has been confirmed, and family affairs, questions of marriage and succession and so forth, are regulated for each community according to its own religious laws. Thus we dispense to Hindus the precepts of Manu; Moslems have their inheritance cases decided according to the doctors of the Koran; for Parsees, the Zoroastrian regulations are put in force; and perfect justice is thus secured throughout the whole field of life in which religious considerations are domi-

nant. Here again is a tremendous achievement in statesmanship; something the like of which the world has hardly seen in past ages. Here are a score of nations to whom perfect equality of civil rights is secured; a score of religions, each of which is protected and conserved in a spirit of perfect toleration; each is at liberty to follow its own precepts in its special field, and is at the same time compelled to extend to its rivals the same toleration which it enjoys for itself. Here is a very real liberty, such as might by no means be secured by uniform democratic government.

For uniform democratic government presupposes a certain uniformity in the citizens of the democracy, a uniformity of race, a common tongue, or at least some easy mode of intercommunication, and a fairly uniform culture and public opinion. Without this uniformity, democratic institutions will mean a perpetual oppression of minorities, and will result in anything but freedom. But the principle put in force in India does result in a very large measure of real freedom. There is, first, as we saw, the securing of universal and inviolable civil rights, with open and equal justice to all. Then there is the sympathetic and systematic study of each community, to learn its religious, moral and social tradition, its mental atmosphere, its ideals and usages. And, as a result, there is the wise and uniform application of these religious usages within that community, in the way which best suits its own genius and temper.

There has also been a systematic cultivation of the hundreds of languages and dialects spoken by India's three hundred millions. Already in the eighteenth century Sanskrit type had been cast, and the great work begun of getting the priceless literature of Ancient India into print. Warren Hastings is chiefly remembered, perhaps, by Macaulay's essay, and Sheridan's denunciation. But it should also be recorded of him, that he was the first patron of Sanskrit literature, and helped to publish the first edition of the Bhagavad Gita. Sir William Jones, the founder of the Asiatic Society of Bengal, and thus the father of Orientalists, was an Indian judge; and his translation of Manu's Law Code was undertaken for the

purely practical end of ascertaining the Brahmanical law of inheritance. Colebrooke and Charles Wilkins were also Bengal civilians; and, in later days, Max Müller's splendid edition of the Rig Veda was paid for by the Government of India.

The popular tongues are not less carefully studied. It is an international jest of some antiquity, that Englishmen never know foreign tongues. The truth is, that no nation knows so many, or has reduced so many to writing for the first time. The British Indian Government, if my memory serves me, recognizes over a hundred different tongues and idioms; and there are at least a few officials conversant with each of them. And we have to get something more than a smattering of these tongues. We have to learn to read them, write them, and speak them fluently to the natives, using the proper forms to mark all the shadings of social rank. The members of the Covenanted Civil Service generally know three or four vernaculars well, reading, writing and speaking them fluently and correctly. I shall never forget my first oral examination in vernacular Bengali, after I had been five or six months in India. I had, as I said, studied Bengali at home for two years, and could read ordinary books, full of Sanskrit forms and phrases, fairly well: Miltonic Bengali, one might call it. But I speedily found that this was not the language of the tongues of the people, which smacks of the backwoods, not of Milton. It contained all kinds of age-old words that were current before Sanskrit first came down the Ganges valley.

On the morning of the examination, I had already acquitted myself tolerably in a conversation with the Sub-judge, a Bengali gentleman who spoke the bookish tongue that I had learned,—at least he spoke it to me. Then the examiner, a Scotch Joint Magistrate called Anderson, called in a dusky peasant who had been summoned to testify in some case, and who was sitting at the door-sill, smoking a cocoa-nut water-pipe. The Sub-judge brought him immediately before me, and said to me abruptly: "Talk to him about his family!" It would be hard to say which of us was more taken back, that skinny, brown peasant or myself. I managed, with much hesitation and difficulty, to enquire after the number, age and

well-being of his daughters. He looked as if he expected me to make him a proposal, and was evidently vastly relieved when he was dismissed, and I was told to study six months longer.

By dint of hammering away, the Civilians come to learn the native tongues, in all their richness and variety, very thoroughly and correctly. Most of them also know Greek and Latin, and two or three modern European languages, this as a result of the severe examinations which they have to pass, to enter the Indian Civil Service. It may be worth mentioning, that the total number of Covenanted Civilians, for the whole of India, is about nine hundred: this small body of picked men govern with admirable care and impartiality a population of three hundred millions. This gives an average of about three hundred thousand wards for each Covenanted Civilian, and one may say that such a government represents a tremendous accomplishment in practical statesmanship, the like of which, in all probability, the world has never seen.

Now a word about caste, which the severe critic of the popular magazine reproaches the British Indian government for not abolishing. Caste, in modern India, means two things; or rather, the present caste system has grown up from the coalescence of two things. The first is difference of race. Under the system consecrated by the Laws of Manu, an admirably conceived polity was constructed out of the mutual relations of four widely different races: a white race, now represented by the Brahman caste; a red race, ten millions of whom still inhabit Rajputana; a yellow race, forming then as now a large part of the farming population, cultivators of rice and silk, and closely akin to the Chinese; and, fourthly, a black race, the artisans and metal-workers, whose kindred fringe the Indian ocean, in Australia and Melanesia. To this polity was given the name of Chaturvarnya, "the Four-Color System," and its principle was, to assign to each race the duties and functions for which it was inherently fitted, and at the same time to prevent intermarriage between the races, as experience had shown that the "mulatto" (a word used by Manu's Commentator), was generally inferior to both par-



ents, and was very prone to disease and weakness. So that the Four-Caste or Four-Color System was really a wonderful achievement. The United States is at this moment feeling after the solution of an almost identical problem; the adjustment of relations between the white races, the Red Indians, the "Mongolians," and the negroes, and is very far from having solved the question as satisfactorily as had been done for India in the days of Manu's Code. This is the first part of caste in India.

The second part, which seems to have sprung up among the black races of Southern India, is very like the Trade Guild system of the Middle Ages. The five great guilds in Southern India, were the workers in Gold, Silver, Bronze, Iron and Stone; and the guild system secured two objects: first, the proper training of apprentices, who learned the trade from their fathers; and second, the prevention of over-crowding in any given industry. As a result of the first condition, we have the wonderful artistic skill attained by Indian artisans, whereby common brass water-pots and cotton cloths become things of beauty, fit ornaments for a cabinet of rarities.

It is evident, therefore, that when anyone speaks severely about abolishing caste, he is speaking under a misapprehension as to what caste is. No doubt the progress of ages has crystallized many of the caste regulations into almost meaningless and sometimes burdensome forms; and the segregation of races has weakened India nationally. Yet these are matters in which no government can wisely interfere, without violating the very principle of freedom, in whose name that interference is called for. Much has been done, as we saw, in the way of securing absolutely equal civil rights for Brahman and Pariah alike. And much is done by the English community in securing social intercourse between sections of the Indian races, who would not ordinarily meet at all. Thus, one has seen a set at tennis, in which the four players were a high-caste Brahman, a Mohammedan prince, a Eurasian official, and an Englishman; and these dissimilar races meet in official and social life on very good terms. They dine together, so far as caste laws admit; they hunt together; they

dance together; they even intermarry to a limited degree, where there is not too great physical unlikeness between the races; and, taking it all in all, no community in the world brings together more widely dissimilar types on an equally genial and kindly footing.

When the English first came, India was a great assembly of warring nations, each practically a despotism, as were all Asiatic nations from immemorial days. The peasant was a mere pawn in the game, buffeted this way and that by the stronger military races, taxed according to the whim of the local "publican," and his own ability to pay, and with slender security of life, family or possessions. The English came to the shores of this warring continent,—for India is in area a continent—not as invaders, but as traders, just as the Arabs, the Portuguese, the Dutch had come before them. It was by race-genius, and not by deliberate intent, that this handful of English traders in due time found themselves the dominant power in India; and the same race genius determined the manner in which they worked out their destiny and task. Traders they remained, until the great Indian Mutiny of 1857, for it was only after the Mutiny that the British government formally assumed the task of governing India.

Since that time, India has been practically governed by some nine hundred Covenanted Civilians, who have secured lasting peace among the long warring nations, establishing mutual toleration among a dozen rival religions, administering the affairs of every community and tribe according to its own spirit and tradition, and securing to all, man, woman and child alike, the inestimable treasure of fixed civil rights.

The natives of each province already have a very large part in the practical work of government. Besides the native members of the legislative Councils, there is a large body of native officials at every Civil Station,—which one may describe as the little metropolis of a million natives. Besides very responsible persons like my friend the Bengali Sub-judge, there were, at that station, four or five very well paid Bengali Deputy Magistrates, and perhaps a couple of hundred others—treasury officers, court officials, land office clerks and so

forth. Much of the actual toil of administration is carried on by these native officials, who probably number over a quarter of a million in all.

To them must be added a very worthy body, the native Honorary Magistrates, gentlemen of the Hindu or Mohammedan or Jaina community, as the case may be, who come to headquarters, and try cases on one or two days each week, an institution like that of the honorary Justices of the Peace in England. Much is also done to train the natives in democratic self-government in other ways. For every district, containing, perhaps, a million inhabitants, there is a popularly elected District Board, composed of natives with whom some English official is generally associated; and these gentlemen have many responsible tasks of practical administration to perform. There are also elected municipal councils, almost exclusively natives, who make regulations for the European, as well as for the native community. And there are Local Boards, likewise elected from the body of the natives, who have sub-divisions of Districts to look after, say a territory with a population of two or three hundred thousand villagers.

In all cases, every effort is made by the English officials to get the natives used to the idea of voting, of elections and the rest of the machinery of democracy. It has been my lot to go out camping through the District, to hold the Local Board elections, and I can testify to the sincerity and thoroughness with which these efforts are made. I can also testify to the wonder, not unmixed with suspicion, with which the Bengali villager regards the whole proceeding. Many a time have I seen in his eyes just such a look of misgiving, of uneasiness as I saw in the eyes of that lean witness, my unwitting examiner, when I began to "talk to him about his family."

There is very real home-rule in India in another way, far more congenial to Indian blood. Every village is, in a sense, a self-ruled community, with its five elected committeemen (panchayets), under a headman, who choose and regulate their own village policemen, and do a great deal in the way of practical administration and government within the village. The self-governing village is, indeed, one of the oldest things

in all law and politics, and lies behind all our systems of jurisprudence. The Sanskrit-speaking Brahmans found it there, when they came down the Ganges valley milleniums ago. The conquering Moguls found it, when they broke through into the Punjab from the wilds of Afghanistan and Turkestan. They scattered their "publicans" through the villages, to squeeze what they could out of the natives. And the English found installed villages and publicans alike; and, taking the latter to be land-owners and not mere tax-farmers, they turned them into the "landed gentry" which stands between the rulers and the peasants throughout India to this day. But the self-governing village survives immortal.

In India, therefore, the Civilians hold the balance among a score of nations, now brought together in a single great federation, and held together in the bonds of peace. This is the political achievement. Legally, this has been accomplished: to the countless millions, one-fifth of the entire human race, who swarm over the valleys and among the hills of India, there is secured personal liberty with the rights of property to a degree never before enjoyed by an Asiatic nation. Socially, what has been done is not less wonderful. Races as unlike as any on earth, not merely the very diverse peoples of the old "Four-Color System," but large intrusive elements from Arabia, Palestine, Armenia, Persia, Turkestan, China and the islands of the sea, have been brought into a condition of stable equilibrium, where all live their lives unmolested by the others, in many ways serving and supplying each others' needs. From the standpoint of religion, a marvel has also been attained. A score of creeds, Brahmanism, Islam, Buddhism, Zoroastrianism, Judaism, Christianity, and many more whose very names are strange outside India, live side by side in perfect mutual toleration, each conceding to all others the liberty it claims and enjoys for itself. These are some of the tasks which one shared in "helping to govern India."